

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 76984

Ward and Susan Turley  
6409 Old Harford Road Apt A  
Baltimore MD 21234

1825 Clearwood Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115, 310, 312, 402 and 35-5-302, 35-2-404; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D; Baltimore County Building Code (BCBC) section 115; International Residential Code (IRC) section 115, failure to cease open dump/junkyard conditions, failure to cut and maintain overgrown grass and weed, failure to maintain or repair deteriorated structure, failure to raze or rehabilitate unsafe structures on residential property known as 1825 Clearwood Road, 21234.

On June 7, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 4, 2010 for removal of open dump/junk yard, remove trash and debris, remove/repair unsafe structure, board and secure all openings; repair exterior structure; unsanitary conditions; remove hazardous or unsafe condition; repair metal/wood surfaces; repair exterior construction. This Citation was issued on June 7, 2010. Notes in the file state that copies of the notices were also sent to Respondents' address on Old Harford Road, and photographs show the notices were posted on the property. Respondents have been given proper notice of the violations and this Citation. See BCC Sections 3-6-203, 3-6-205.

B. Photographs in the file show a vacant single-family house with areas of significant disrepair. The house is vacant. The siding is missing from a side chimney or stack bump-out, with bare plywood sheathing exposed all the way up the side of the house. An area of outside wall on the rear of the house, on the second floor level, lacks siding and the Tyvek plastic sheathing is visible. Windows are broken.

C. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior surface materials maintained weatherproof and properly surface-coated to prevent deterioration. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402. Respondents must replace all missing siding, and repair all broken windows to prevent human or animal encroachment.

D. Photographs in the file also show piles of junk, trash and debris in the yard, including old tires, old mattresses, tarpaulins, old buckets, household items, and bags of trash or garbage. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

E. Photographs in the file also show quantities of building materials piled in the yard, and various contractor's tools, supplies and machinery including pieces of scaffolding, shingles, fencing, and buckets. Under Baltimore County Zoning Regulations, a contractor's equipment storage yard is the use of any space, inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage. BCZR Section 101.1. The zoning regulations do not permit use of residential property for a contractor's equipment storage yard. BCZR Section 102.1 ("No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations...."); BCZR Section 1B01.1, General use regulations in D.R. Zones; see BCZR Article 2, Schedule of Special Exceptions, 2 Attachment 1:1 (chart showing this use prohibited in all residential zones; use permitted by special exception in B.R. zone, and permitted in M.L. and M.H. zones).

F. Court records show that this property was the subject of foreclosure proceedings in 2009, but no sale or possession transfer has occurred and Respondents are still the owners of record. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to enter the property for the purpose of correcting violations and securing the property, at the expense of the property owners.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by August 10, 2010.

IT IS FURTHER ORDERED that after August 10, 2010 the County may enter the property for the purpose of boarding and securing all doors and windows, as needed, at the expense of the property owners.

IT IS FURTHER ORDERED that after August 10, 2010, the County may enter the property for the purpose of removing all junk, trash, debris, garbage, and contractor's equipment or materials that are improperly stored outside, at the expense of the property owners.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer